

From: Kelly Cook
To: DADAVIS; GTYNER
Subject: Gulfco Questions

Question No. 1

Have the PRPs been notified and given a chance to clean up the property?

On January 13, 2000 and January 8, 2001, LDL Coastal received notice that the TNRCC and EPA would be investigating the property pursuant to the Comprehensive Environmental Response Compensation and Liability Act of 1980 (CERCLA) as amended, 42 U.S.C. 9601 et seq., to determine if there is a "release or substantial threat of release into the environment of any pollutant or contaminant which may present an imminent and substantial danger to the public health or welfare." Authority to conduct this investigation was also provided as contained in Section 104(e) of CERCLA, Section 308 of the Clean Water Act, Section 361.182 of the Texas Solid Waste Disposal Act, and Sections 26.014 and 26.015 of the TEXAS WATER CODE.

On January 20, 2000 and January 10, 2001, LDL Coastal signed an access agreement allowing USEPA and their authorized representatives, TNRCC, continued access to their property for the purposes of investigation. This access agreement also included the statement "I realize that these actions are undertaken pursuant to EPA's response and enforcement responsibilities under the Comprehensive Environmental Responsibility, Compensation, and Liability Act, as amended (CERCLA), 42 U.S.C. 9601 et seq., as well as 40 CFR Part 300.400 Subpart E (40 CFR Part 300 is the Federal Superfund Hazardous Ranking System). The authorized attorney for LDL Coastal, Mr. Allan B. Daniels, executed the January 10, 2001 access agreement.

On January 24, 2001, Messrs. Jack Palmer and Ron Hudson (owners for Lot 56) received notice that the TNRCC and EPA would be investigating the property as stated above. The return receipt of this notice was signed by Mr. Jack Palmer.

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